

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

| | | |
|-----------------------------|---|---------------------|
| WARD C. HART, |) | |
| |) | |
| Claimant, |) | IC 02-522174 |
| |) | IC 03-002510 |
| v. |) | IC 04-007622 |
| |) | |
| FRANK C. KADERKA, dba |) | ORDER |
| NORM'S DOWNTOWN AUTO BODY, |) | |
| |) | |
| Employer, |) | Filed |
| |) | June 10, 2005 |
| and |) | |
| |) | |
| IDAHO STATE INSURANCE FUND, |) | |
| |) | |
| Surety, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

Pursuant to Idaho Code § 72-717, Referee Robert D. Barclay submitted the record in the above-entitled matter, together with his findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with the recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED That:

1. Claimant has not demonstrated that he either herniated his L4-5 disk in an industrial

accident, or aggravated his low back condition in another accident. There has been no showing of medical causation. Claimant's claim for compensation fails.

2. Based on the above conclusions, the remaining issues before the Commission in this matter are moot.

3. The Complaints are hereby DISMISSED with prejudice.

4. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to the issues adjudicated.

DATED This 10th day of June, 2005.

INDUSTRIAL COMMISSION

/s/
Thomas E. Limbaugh, Chairman

/s/
James F. Kile, Commissioner

/s/
R. D. Maynard, Commissioner

ATTEST:

/s/
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June, 2005, a true and correct copy

of the foregoing **Order** was served by regular United States Mail upon each of the following:

HAROLD B SMITH
HAROLD B SMITH CHRD
PO BOX 2083
COEUR D'ALENE ID 83816-2083

PAUL J AUGUSTINE
PAUL J AUGUSTINE PLLC
PO BOX 1521
BOISE ID 83701-1521

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/s/_____